

REMARKS

Applicants acknowledge receipt of the Examiner's Office Action dated January 28, 2004. All pending claims were rejected as being unpatentable over U.S. Patent No. 6,003,130 issued to Anderson ("Anderson") in view of U.S. Patent No. 5,878,248 issued to Tehranian et al. ("Tehranian"). In light of the following Remarks, Applicants respectfully request the Examiner's reconsideration and reexamination of all pending claims.

In rejecting claim 1, the Office Action alleges that Anderson teaches all the limitations, except for a development port that receives data from an emulator device external to the microprocessor when the development port is coupled to the emulator device. Thereafter, the Office Action alleges that Tehranian teaches a development port that receives data from an emulator device external to the microprocessor when the development port is coupled to the emulator device, citing column 9, line 28 through column 10, line 27, and column 13, line 22 through column 14, line 53. Lastly, the Office Action alleges it would have been obvious to have modified Anderson by the teaching of Tehranian because the development port receiving data from an emulator device external to the microprocessor when the development port is coupled to the emulator device, would enable the system to optionally receive input from a virtual external storage emulator, when one is connected to the system, citing column 13, lines 27-30 of Tehranian in support thereof.

Applicants submit that independent claim 1 is patentably distinguishable.

Independent claim 1 recites in part:

a microprocessor positioned on said data board, wherein said microprocessor includes a development port, wherein the development port receives data from an emulator device external to the microprocessor when the development port is coupled to the emulator device;

wherein a boot-up code can be provided from said storage device over said first communication path, said coupler and said second communication pathway to said development port of said microprocessor...

Clearly, it can be seen from independent claim 1 that the microprocessor includes a development port. This development port is coupled to receive boot-up code from the first data storage device. Additionally, the same development port can be used to receive data from an emulator. Accordingly, the development port of the microprocessor can have two functions, receiving boot-up code or receiving emulator data. It is emphasized that the boot-up code and emulator data are provided by distinct sources. Namely, the boot-up code is provided by the first storage device wherein the emulator code is provided by an emulator.

Applicants have reviewed the sections of Tehranian cited above. While the cited sections teach a microprocessor and the generation of emulated data, it does not appear clear to the undersigned that the emulated data is provided to the microprocessor. Tehranian describes a memory 218 within column 9, line 29 through column 10, line 27. This memory 218 stores emulated floppy disk data received from and to be sent to remote system 202. This cited section also describes that microprocessor 208 reads floppy disk data from device access controller memory 218, but does not appear to say that the floppy

disk data read from memory 218 by microprocessor 208 is “*emulated*” floppy disk data. Lastly, this cited section indicates that disk emulator 222 emulates a floppy disk and writes floppy disk data to a selected destination, but does not appear to identify microprocessor 208 as the selected destination. Moreover, it is not clear from the cited section that floppy disk data written by disk emulator 222 is “emulated” floppy disk data. Column 9, line 27 through column 10, line 29 of Tehranian does not appear to set forth that emulator 222 provides emulated floppy disk data to microprocessor 208 let alone a development port of microprocessor 208. Column 13, lines 22 – 54 of Tehranian discloses a serial input/output emulator (SIO) 232. However, column 13, line 23 to column 14, line 54 does not appear to teach that emulated data from SIO 232 is provided to microprocessor 208 let alone a development port of microprocessor 208.

Independent claim 1 clearly states that the development port of a microprocessor receives data from an emulator device when the development port is coupled to the emulator device. Applicants submit that Tehranian does not teach or fairly suggest claim 1’s limitation of a development port receiving data from an emulator when the development port is coupled to the emulator device. Notwithstanding this, claim 1 clearly indicates that the development port receives boot-up code from the first storage device in addition to receiving emulator data when the development port is coupled to an emulator device. Assuming *arguendo* that Tehranian does teach a microprocessor 208 having a development port that receives data from an emulator, the cited sections of Tehranian fail to teach or fairly suggest that such a development port also receives boot-up code as required by independent claim 1. Clearly, the Office Action admits that Anderson does not teach a microprocessor with a development port that receives

emulator data when the development port is coupled to an emulator. Applicants submit that the cited sections of Anderson and Tehranian fail to teach or suggest a microprocessor having a development port that receives boot-up code and which receives emulator data when the development port is coupled to an emulator. For these reasons, Applicants submit that independent claim 1 is patentably distinguishable over the references cited.

Claims 2 and 3 depend from independent claim 1. Insofar as independent claim 1 has been shown to be patentably distinguishable, it follows that dependent claims 2 and 3 are likewise patentably distinguishable.

Independent claim 4 was rejected under 35 U.S.C. § 103 as being unpatentable over Anderson in view of Tehranian. Again, the Office Action alleges that Anderson teaches all the limitations of independent claim 4, except for a development port that receives data from an emulator when the development port is coupled to an emulator device. The Office Action alleges that Tehranian teaches this missing limitation and that it would have been obvious to modify Anderson to include development port that receives data from an emulator device when the development port is coupled to the emulator device because the development port receiving data from an emulator device when the development port is coupled to the emulator device, would enable the system to optionally receive input from a virtual external storage emulator when one is connected to the system. Applicant submits that the Office Action ignores the claim limitation that the development port can be used to receive boot-up code and can be used to receive emulator data when the development part is coupled to an emulator device. Clearly, Anderson could receive emulator data if Anderson included a development port that

could be coupled to an emulator device. However, there is no teaching or fair suggestion of providing a development port to Anderson, let alone one which can be used to receive emulator data and boot-up code. Applicants submit that claim 4 is patentably distinguishable over the references cited.

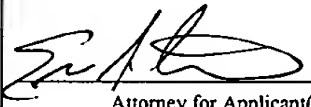
Claims 5-10 depend from independent claim 4. Insofar as claim 4 has been shown to be distinguishable over the references cited, it follows that dependent claims 5-10 are likewise patentably distinguishable.

The Office Action rejected independent claim 11 under same or similar reasoning used to reject independent claims 1 and 4. Applicants submit that independent claim 11 is patentably distinguishable over the references cited for the same or similar reasons that independent claims 1 and 4 are patentably distinguishable.

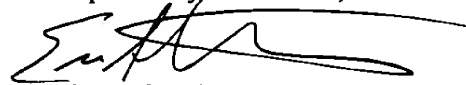
Insofar as claim 11 has been shown to be patentably distinguishable, it follows that claims 12-18 are likewise patentably distinguishable.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5093.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Mail Stop AF, COMMISSIONER FOR PATENTS, P. O. Box 1450, Alexandria, VA 22313-1450, on <u>3/9/04</u> , 2004.	
 Attorney for Applicant(s)	<u>3/9/04</u> Date of Signature

Respectfully submitted,



Eric A. Stephenson
Attorney for Applicant(s)
Reg. No. 38,321
(512) 439-5093 [Phone]
(512) 439-5099 [Fax]